

ENTERED

March 24, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ENVENTURE GLOBAL
TECHNOLOGY INC.,
Plaintiff,

v.

WEATHERFORD U.S., L.P.,
Defendant.

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CIVIL ACTION NO. H-19-2397

ORDER

This patent case is before the Court on Defendant Weatherford U.S., L.P. (“Weatherford”)’s letter request to file early summary judgment motions and to postpone invalidity contentions. *See* Letter [Doc. # 57]. Plaintiff Enventure Global Technology Inc. (“Enventure”) filed a letter response [Doc. # 64]. Also pending is Enventure’s “request to modify the Court’s Scheduling Order” to add a patent and to withdraw four patents from issue in this case. *See* Letter [Doc. # 70]. Also pending are discovery disputes described in letters [Docs. # 62, # 65, # 66, # 68, # 69, and # 70] from the parties and from non-party Mohawk Energy Ltd (“Mohawk”).

Given the public health issues caused by COVID-19, and the Stay-At-Home orders issued for Houston and Harris County, the parties suggested and the Court agrees that the outstanding issues can be decided on the arguments set forth in the

letters without oral argument. Therefore, the discovery conference on March 25, 2020, is **cancelled**.

With reference to Enventure's request to add and delete patents at issue in this case, Enventure shall file any Amended Complaint by **May 6, 2020**. The Amended Complaint *must* withdraw the four patents identified in the March 23 Letter [Doc. # 70], and may add patents and infringing products. No further amendments to the complaint will be permitted without a showing of good cause.

With reference to Weatherford's request for leave to file an early motion for summary judgment, the Court agrees with Enventure that there are fact issues and claim construction issues that weigh heavily against early summary judgment motions. Therefore, this request and the corresponding request to postpone invalidity contentions until the summary judgment motion is filed and decided are **denied**.

Regarding the current scheduling in this case, the Court stays damages discovery until after its claim construction ruling. The Court advises that it will limit claim construction to twenty (20) unique claim terms. The parties are required to identify the twenty disputed claim terms they deem most important and for which they seek construction by the Court.

With reference to the discovery dispute, many of the issues relate to documents and other discovery in *Enventure Global Technology, Inc. v. Mohawk Energy, Ltd.*,

Civil Action No. 4:15-1053 (the “*Mohawk* case”). Those materials were produced subject to a protective order that states that “the presiding judge [in the *Mohawk* case] does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case.” *See Mohawk* Protective Order, Exh. 1 to Letter [Doc. # 68]. In the March 20, 2020 letter [Doc. # 68], Weatherford identifies four categories of materials that remain at issue: (A) materials never designated confidential; (B) materials that contain Enventure confidential information but not Mohawk confidential information; (C) materials that contain Mohawk confidential information; and (D) materials that contain both Enventure and Mohawk confidential information. As to Categories (A) and (B), Enventure must turn over these materials within thirty (30) days, subject to the Protective Order [Doc. # 24]. As to Categories (C) and (D), Enventure must produce any materials from the *Mohawk* case, such as deposition testimony and expert reports, on which Enventure now relies (or ever intends to rely) for its claims against Weatherford in this case. Mohawk has the right to object by April 6, 2020, to production of specific language in any materials. Enventure must produce -- by April 20, 2020 and subject to the Protective Order -- all Category (C) and Category (D) materials to which Mohawk has not objected by April 6, 2020.

Enventure is advised that failure to produce requested discovery will preclude use of that discovery (or testimony about it) in this lawsuit *for any purpose*. The same rule will apply to Weatherford in connection with its production of discovery in this case.

As a final matter, the unexpired deadlines in the Court's Patent Case - Scheduling Order [Doc. # 17], as amended, are vacated. Counsel shall submit a new agreed, proposed scheduling order by **April 24, 2020**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, this **24th** day of **March, 2020**.



NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE